

HOUSE No. 992

By Mr. Knuuttila of Gardner, petition of Brian Knuuttila and others relative to private attorneys providing public counsel services. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Brian Knuuttila	Rachel Kaprielian
Stephen M. Brewer	Pamela P. Resor
Susan C. Tucker	Carl M. Sciortino, Jr.
David Paul Linsky	Joyce A. Spiliotis
James E. Vallee	Harriette L. Chandler
Anthony Petrucci	Christopher G. Fallon
Susan W. Pope	Michael A. Costello
Ellen Story	Edward G. Connolly
Anne M. Gobi	Patricia D. Jehlen
Jennifer M. Callahan	Frank I. Smizik
Alice Hanlon Peisch	Patricia A. Haddad
Elizabeth A. Poirier	Shirley Gomes
Eric T. Turkington	Steven M. Walsh
Stephen Kulik	Michael J. Rodrigues
Douglas W. Petersen	Bradford Hill
Robert Correia	Geoffrey D. Hall
J. James Marzilli, Jr.	Jennifer L. Flanagan
James B. Leary	Emile J. Gougen
Colleen M. Garry	Steven A. Tolman
Cleon H. Turner	Charles A. Murphy
James H. Fagan	John P. Fresolo
Christine E. Canavan	Anne M. Paulsen
Theodore C. Spiliotis	Kathleen M. Teahan
Robert M. Koczera	Gale D. Candaras
Alice K. Wolf	Thomas J. O'Brien
Arthur J. Broadhurst, Jr.	Paul Kujawski
Brian S. Dempsey	Ruth B. Balser
Louis L. Kafka	Barbara A. L'Italien
Michael E. Festa	Cheryl A. Rivera

Jarrett T. Barrios	David M. Torrisi
Timothy J. Toomey, Jr.	Donald F. Humason, Jr.
Robert A. Havern	Thomas M. McGee
Mark V. Falzone	Deborah Sirotkin Butler
John D. Keenan	Thomas E. Workman
Barry R. Finegold	Deborah D. Blumer
Matthew C. Patrick	Mary S. Rogeness

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PRIVATE ATTORNEYS PROVIDING PUBLIC
COUNSEL SERVICES.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 2 of chapter 211D of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 adding the following sentence:—
4 The department of revenue shall have a representative available
5 to assist the court in determining indigency.

1 SECTION 2. The second paragraph of section 2H of
2 chapter 211D of the General Laws, as so appearing, is hereby
3 amended by adding the following sentence:—
4 Said fee shall be used for the payment of private counsel.

1 SECTION 3. Chapter 211D of the General Laws is hereby
2 amended by striking out section 11 and inserting in place thereof
3 the following section:—
4 Section 11. The committee shall establish rates of compensa-
5 tion payable to all counsel who are appointed as assigned to repre-
6 sent indigents within the private counsel division in accordance
7 with the provisions of paragraph (b) of section 6, provided, how-
8 ever such compensation shall not be less than \$60 per hour and
9 shall be adjusted upward each 5 years a counsel participates in the
10 program. There shall be annual cost of living adjustments as cal-
11 culated in accordance with section 103 of chapter 32.

1 SECTION 4. Section 12 of said chapter 211D, as appearing in
2 the 2002 Official Edition, is hereby amended by striking out the
3 fourth and fifth sentences.

1 SECTION 5. Said section 12 of said chapter 211D, as so
2 appearing, is hereby further amended by adding the following 2
3 sentences:—

4 Such private attorneys shall be automatically insured for bene-
5 fits provided in section 5 of chapter 32A and shall pay at least
6 50% of the premium. The commonwealth shall pay interest for
7 late payments and shall eliminate any administration reductions in
8 pay.

1 SECTION 6. The increase in compensation provided in this act
2 shall be applicable to assignments made after the effective date of
3 this act.